

## REMARKS/ARGUMENTS

Claims 1-9, 12-15, 18-26, 28-31, 34-40 and 42-44 are pending in the present application. The Examiner has rejected claims 1-9, 12-15, 18-26, 28-31, 34-40, and 42-44. Applicant respectfully requests reconsideration of pending claims 1-9, 12-15, 18-26, 28-31, 34-40 and 42-44.

The Examiner has objected to claim 1, alleging "a new connection selected characteristic of the new connection" in line 12 is unclear. Applicant respectfully disagrees.

Regarding claim 1, Applicant notes the Examiner proposes changing "a new connection selected characteristic..." to "a selected characteristic...." Applicant also notes "a selected characteristic" is already recited in claim 1 with respect to "monitoring...." Thus, Applicant submits "a new connection selected characteristic" is appropriately recited in claim 1. Therefore, Applicant respectfully requests the objection to claim 1 be withdrawn.

The Examiner has objected to claim 23, alleging "a second connection status of the second connection selected characteristic" in line 13 is unclear. Applicant respectfully disagrees.

Regarding claim 23, Applicant notes the Examiner proposes changing "a second connection status..." to "a status...." Applicant also notes "a status" is already recited in claim 23 with respect to "wherein when status of a selected characteristic associated with the diagnostic traffic is determined to be unacceptable...." Thus, Applicant submits "a second connection status of the second connection selected characteristic" is appropriately recited in claim 23. Therefore, Applicant respectfully requests the objection to claim 23 be withdrawn.

The Examiner has objected to claim 36, alleging "at least one new connection characteristic of the new connection" in line 12 is unclear. Applicant respectfully disagrees.

Regarding claim 36, Applicant notes the Examiner proposes changing "at least one new connection characteristic..." to "at least one characteristic...." Applicant also notes "at least one characteristic" is already recited in claim 36 with respect to "wherein the at least one characteristic includes continuity." Thus, Applicant submits "at least one new connection characteristic of the new connection" is appropriately recited in claim 36. Therefore, Applicant respectfully requests the objection to claim 36 be withdrawn.

The Examiner has rejected claims 1-9, 12-15, 18-26, 28-31, 33-40 and 42-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over Srinivasan et al. (U.S. Patent No. 6,304,549) in view of Cedrone et al. (U.S. Patent No. 6,538,987). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited references fail to render unpatentable the subject matter of claim 1. As an example, Applicant submits the cited portions of the cited references fail to disclose or suggest "when the status of the selected characteristic is determined to be unacceptable, initiating control plane rerouting of the connection, wherein the user connection monitoring function includes OAM continuity checking, wherein initiating control plane rerouting of the connection comprises evaluating a new connection before the connection is abandoned, wherein the control plane rerouting over the new connection occurs when a new connection selected characteristic of the new connection is better than the selected characteristic of the connection." While the Examiner cites portions of Figure 4 and "(Column 8 Line 44)" of the Cedrone reference with respect to such features, Applicant notes the Examiner also cites "(Column 17 Line 22-25)" of the Srinivasan reference, which states, "Additionally, as indicated at step 367, when a connection server CS determines that a link 1 has failed, it reroutes any VPCs that it is monitoring, which use this link, by returning to step 210, FIG. 7," with respect to other features of claim 1. Applicant submits such teaching teaches away from the features of claim 1 for which the Examiner cites the portions of the Cedrone reference as allegedly disclosing. Accordingly, Applicant submits it would not have been obvious to one of ordinary skill in the art to combine the alleged teachings of the cited references and, even if an attempt were made to combine such alleged teachings, such an attempt would not yield the subject matter of claim 1. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 2. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the selected characteristic includes continuity on the connection." While the Examiner cites a portion of the Srinivasan reference as allegedly teaching the subject matter of claim 2, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 2 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 2. Therefore, Applicant submits claim 2 is in condition for allowance.

Regarding claim 3, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 3. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the selected characteristic includes at least one of: data corruption on the connection, data loss on the connection, latency along the connection, and misinsertion of data on the connection.” While the Examiner cites “(Column 2 Line 57-61)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 3 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 3. Therefore, Applicant submits claim 3 is in condition for allowance.

Regarding claim 4, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 4. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the data communication network supports asynchronous transfer mode (ATM) protocol.” While the Examiner cites “(Column 5 Line 2-8)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 4 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 4. Therefore, Applicant submits claim 4 is in condition for allowance.

Regarding claim 5, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 5. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the control plane is a signaling plane.” While the Examiner cites “(Column 5 Line 43 – Column 6 Line 12, see Figure 3)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 5 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 5. Therefore, Applicant submits claim 6 is in condition for allowance.

Regarding claim 6, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 6. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the signaling plane uses private network-to-network interface (PNNI).” While the Examiner cites “56” of the Srinivasan reference, Applicant notes

Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 6 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 6. Therefore, Applicant submits claim 6 is in condition for allowance.

Regarding claim 7, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 7. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the connection is a soft permanent virtual connection (SPVC).” While the Examiner cites “(Column 2 Line 32)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 7 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 7. Therefore, Applicant submits claim 7 is in condition for allowance.

Regarding claim 8, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 8. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the connection is a switched connection.” While the Examiner cites “(Figure 1)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 8 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 8. Therefore, Applicant submits claim 8 is in condition for allowance.

Regarding claim 9, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 9. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the user connection monitoring function utilizes operation and management (OAM) traffic.” While the Examiner cites “(Column 16 Line 58-62)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 9 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 9. Therefore, Applicant submits claim 9 is in condition for allowance.

Regarding claim 12, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 12. As an example, Applicant submits the cited portion of the cited

reference fails to disclose or suggest “wherein the user connection monitoring function includes OAM performance monitoring.” While the Examiner cites “(Column 16 Line 58-66)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from the subject matter of claim 1, from which claim 12 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 12. Therefore, Applicant submits claim 12 is in condition for allowance.

Regarding claim 13, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 13. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein determining that the status of the selected characteristic is unacceptable further comprises determining that a property of the selected characteristic exceeds a predetermined threshold.” While the Examiner cites “(Column 8 Line 39-47)” of the Cedrone reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 1, from which claim 13 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 13. Therefore, Applicant submits claim 13 is in condition for allowance.

Regarding claim 14, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 14. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the selected characteristic further comprises a plurality of selected characteristics, wherein each selected characteristic of the plurality of selected characteristics has a corresponding predetermined threshold, wherein determining that the status of the selected characteristic is unacceptable includes determining that a property corresponding to at least one selected characteristic of the plurality of selected characteristics exceeds the corresponding predetermined threshold for the at least one selected characteristics.” While the Examiner cites “(Column 8 Line 39-47)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield from the subject matter of claim 1, from which claim 14 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 14. Therefore, Applicant submits claim 14 is in condition for allowance.

Regarding claim 15, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 15. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein at least a portion of the corresponding predetermined thresholds for the plurality of selected characteristics is configurable.” While the Examiner cites “(Column 8 Line 39-47)” of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 1, from which claim 15 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 15. Therefore, Applicant submits claim 15 is in condition for allowance.

Regarding claims 18-20 and 34, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 18-20 and 34. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the data communication network supports Multi-Protocol Label Switching (MPLS).” As another example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the control plane includes at least one of Label Distribution Protocol (LDP) and ReSerVation Protocol (RSVP).” As yet another example, Applicant submits the cited portion of the cited reference fails to disclose or suggest “wherein the connection is a Label Switched Path (LSP).” As a further example, Applicant submits the cited portions of the cited reference fail to disclose “wherein the data stream is a Multi-Protocol Label Switching (MPLS) data stream and wherein the first and second connections correspond to label switched paths.” Applicant notes the Examiner acknowledges “Srinivasan in view of Cedrone does not teach the specific protocols” but alleges “It would have been obvious to one skilled in the art to modify Srinivasan in view of Cedrone to be used with MPLS, LDP or RSVP and LSP in order to be adapted to specific network. Applicant notes the Examiner does not cite any reference as disclosing “MPLS, LDP or RSVP and LSP.” Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claims 18-20 and 34. Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 1, from which claims 18-20 directly or indirectly depend. Thus, Applicant submits the

Srinivasan reference also teaches away from claims 18-20. Therefore, Applicant submits claims 18-20 and 34 are in condition for allowance.

Regarding claim 21, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 21. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest "wherein the user connection monitoring function monitors continuity along the connection." While the Examiner cites "(Column 16 Line 58-66)" of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 1, from which claim 21 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 21. Therefore, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 22. As an example, Applicant submits the cited portion of the cited reference fails to disclose or suggest "wherein the user connection monitoring function monitors at least one of: data corruption on the connection, data loss on the connection, latency along the connection, and misinsertion of data on the connection." While the Examiner cites "(Column 16 Line 58-66)" of the Srinivasan reference, Applicant notes Applicant has submitted argument with respect to claim 1 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 1, from which claim 22 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 22. Therefore, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of the cited references fail to render unpatentable the subject matter of claim 23. As an example, Applicant submits the cited portions of the cited references fail to disclose or suggest "wherein the control block performs an evaluation of the second connection, wherein the data stream is rerouted over the second connection only if a second connection status of the second connection selected characteristic is better than the status of the selected characteristic." While the Examiner cites portions of Figure 4 and "(Column 10 Line 31-47)" of the Cedrone reference with respect to such features, Applicant notes the Examiner also cites "(Column 17 Line 22-25)" of the Srinivasan reference, which states, "Additionally, as indicated at step

367, when a connection server CS determines that a link 1 has failed, it reroutes any VPCs that it is monitoring, which use this link, by returning to step 210, FIG. 7," with respect to other features of claim 23. Applicant submits such teaching teaches away from the features of claim 23 for which the Examiner cites the portions of the Cedrone reference as allegedly disclosing. Accordingly, Applicant submits it would not have been obvious to one of ordinary skill in the art to combine the alleged teachings of the cited references and, even if an attempt were made to combine such alleged teachings, such an attempt would not yield the subject matter of claim 23. Therefore, Applicant submits claim 23 is in condition for allowance.

Regarding claim 24, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 24. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the data stream includes a plurality of asynchronous transfer mode (ATM) cells." While the Examiner cites a portion of the Srinivasan reference as allegedly teaching the subject matter of claim 24, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from the subject matter of claim 23, from which claim 24 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 24. Therefore, Applicant submits claim 24 is in condition for allowance.

Regarding claim 25, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 25. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the diagnostic traffic includes operation and management (OAM) continuity checking traffic." While the Examiner cites a portion of the Srinivasan reference as allegedly teaching the subject matter of claim 25, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from the subject matter of claim 23, from which claim 25 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 25. Therefore, Applicant submits claim 25 is in condition for allowance.

Regarding claim 26, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 26. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the status of the selected characteristic is determined to be unacceptable when loss of continuity is detected for a time period that exceeds a predetermined threshold." While the Examiner cites a portion of the Cedrone reference as allegedly teaching the

subject matter of claim 26, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 26 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 26. Therefore, Applicant submits claim 26 is in condition for allowance.

Regarding claim 28, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 28. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein the status of the selected characteristic is determined to be unacceptable when a property associated with OAM performance monitoring exceeds a predetermined threshold.” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 28, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 28 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 28. Therefore, Applicant submits claim 28 is in condition for allowance.

Regarding claim 29, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 29. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein the predetermined threshold is configurable.” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 29, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 29 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 29. Therefore, Applicant submits claim 29 is in condition for allowance.

Regarding claim 30, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 30. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein the first and second connections are soft permanent virtual circuits.” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 30, Applicant notes Applicant has submitted argument with respect to claim 23

as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 30 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 30. Therefore, Applicant submits claim 30 is in condition for allowance.

Regarding claim 31, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 31. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the first and second connections are switched connections." While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 31, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 31 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 31. Therefore, Applicant submits claim 31 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 35. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the selected characteristic includes at least one of: data corruption on the first connection, data loss on the first connection, latency along the first connection, and misinsertion of data on the first connection." While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 35, Applicant notes Applicant has submitted argument with respect to claim 23 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 23, from which claim 35 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 35. Therefore, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 36. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the control plane rerouting of the connection comprises evaluating a new connection such that rerouting to the new connection occurs when at least one new connection characteristic of the new connection is better than the at least one characteristic of the connection." While the Examiner cites portions of Figure 4 and "(Column 8 Line 44)" of the Cedrone reference with

respect to such features, Applicant notes the Examiner also cites "(Column 17 Line 22-25)" of the Srinivasan reference, which states, "Additionally, as indicated at step 367, when a connection server CS determines that a link 1 has failed, it reroutes any VPCs that it is monitoring, which use this link, by returning to step 210, FIG. 7," with respect to other features of claim 36. Applicant submits such teaching teaches away from the features of claim 36 for which the Examiner cites the portions of the Cedrone reference as allegedly disclosing. Accordingly, Applicant submits it would not have been obvious to one of ordinary skill in the art to combine the alleged teachings of the cited references and, even if an attempt were made to combine such alleged teachings, such an attempt would not yield the subject matter of claim 36. Therefore, Applicant submits claim 36 is in condition for allowance.

Regarding claim 37, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 37. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the connection is a soft permanent virtual connection (SPVC)." While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 37, Applicant notes Applicant has submitted argument with respect to claim 36 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 36 from which claim 37 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 37. Therefore, Applicant submits claim 37 is in condition for allowance.

Regarding claim 38, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 38. As an example, Applicant submits the cited portion of the cited reference fails to disclose "wherein the connection is switched virtual connection (SVC)." While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 38, Applicant notes Applicant has submitted argument with respect to claim 36 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 36, from which claim 38 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 38. Therefore, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 39. As an example, Applicant submits the cited portion of the cited

reference fails to disclose “wherein the control plane is a signaling plane.” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 39, Applicant notes Applicant has submitted argument with respect to claim 36 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 36, from which claim 39 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 39. Therefore, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 40. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein the signaling plane uses private network-to-network interface (PNNI).” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 40, Applicant notes Applicant has submitted argument with respect to claim 36 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 36, from which claim 40 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 40. Therefore, Applicant submits claim 40 is in condition for allowance.

Regarding claim 42, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 42. As an example, Applicant submits the cited portion of the cited reference fails to disclose “evaluating a new connection such that rerouting to the new connection occurs when the new connection provides better latency performance than the connection.” While the Examiner cites portions of Figure 4 and “(Column 8 Line 44)” of the Cedrone reference with respect to such features, Applicant notes the Examiner also cites “(Column 17 Line 22-25)” of the Srinivasan reference, which states, “Additionally, as indicated at step 367, when a connection server CS determines that a link 1 has failed, it reroutes any VPCs that it is monitoring, which use this link, by returning to step 210, FIG. 7,” with respect to other features of claim 42. Applicant submits such teaching teaches away from the features of claim 42 for which the Examiner cites the portions of the Cedrone reference as allegedly disclosing. Accordingly, Applicant submits it would not have been obvious to one of ordinary skill in the art to combine the alleged teachings of the cited references and, even if an attempt were made to combine such alleged teachings, such an attempt would not yield the subject matter of claim 42. Therefore, Applicant submits claim 42 is in condition for allowance.

Regarding claim 43, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 43. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein detecting a fault further comprises detecting a fault using operation and management (OAM) services running within the user plane.” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 43, Applicant notes Applicant has submitted argument with respect to claim 42 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 42, from which claim 43 depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 43. Therefore, Applicant submits claim 43 is in condition for allowance.

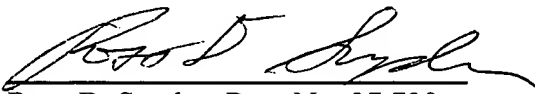
Regarding claim 44, Applicant submits the cited portion of the cited reference fails to render obvious the subject matter of claim 44. As an example, Applicant submits the cited portion of the cited reference fails to disclose “wherein the connection is a soft permanent virtual connection (SPVC).” While the Examiner cites a portion of the Cedrone reference as allegedly teaching the subject matter of claim 44, Applicant notes Applicant has submitted argument with respect to claim 42 as to the Srinivasan reference teaching away from a supposed combination with the alleged teachings of the Cedrone reference so as to purportedly yield the subject matter of claim 42, from which claim 44 indirectly depends. Thus, Applicant submits the Srinivasan reference also teaches away from claim 44. Therefore, Applicant submits claim 44 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



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